

**MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: November 4, 2005

Subject Matter of Proposed Regulations: International Medical Schools:
Prospective Recognition

(1) Section(s) Affected: CCR Title 16, Reg. 1314.1, Section (f)

Specific Purpose of each adoption, amendment, or repeal:

This proposed regulatory amendment is intended to ensure that all education obtained under approved international medical education programs adheres to California's standards, by making recognition of the school prospective from the time of the site visit and evaluation. This will also avoid disputes over whether an applicant's education acquired at that school prior to that date will be credited toward licensure requirements.

Factual Basis/Rationale

The rationale for this is that the site visit team can only base its decisions on the qualifications of the current educational program as it has no factual basis for determining whether or when in the past the program might have met the standards set forth in the regulation.

Research was conducted about how various American accrediting agencies grant approval to the educational programs they review and deem adequate. The Accreditation Council for Pharmacy Education provides no kind of retroactive recognition for students who graduated prior to the date of accreditation. For new pharmacology schools, there are three phases of accreditation: pre-candidate, candidate, and full status. Only graduates in the candidate and full status phases can say that they graduated from an ACPE accredited school. Again, accreditation status for ACPE schools pertains only to the years following the initial accreditation review and involves no retroactive review.

The Liaison Committee on Medical Education also does not provide retroactive recognition. According to the LCME's "Rules and Procedures" pertaining to the "Accreditation Survey Process", the LCME cannot retroactively recognize or accredit a medical school for dates prior to the official site visit and evaluation process.

The American Veterinary Medical Association grants at most 6 months of retroactive recognition for their international veterinary school applicants. They prospectively accredit international veterinary schools from the date of the site visit and approval of accreditation. The only exception that would warrant retroactive recognition is if the evaluation was conducted in an interim period when the board was not in session. The Veterinary Board meets every 6 months, thus the maximum for retroactive recognition is 6 months.

The American Osteopathic Association Commission on Osteopathic College Accreditation deals primarily with American osteopathic programs. However, for the few international programs that have gained recognition in accordance with American and Canadian osteopathic educational standards provisional prospective accreditation has been granted. They provide no retroactive recognition of any kind for international programs.

The California Board of Registered Nurses does not conduct site visits or any other type of evaluation process for international nursing programs. Rather, the Board has a team of individuals that reviews the applicants on a case by case basis. Thus, the California Board of Registered Nurses grants neither prospective nor retroactive recognition to international nursing programs. The Commission on Graduates of Foreign Nursing Schools, based in Philadelphia, grants recognition to students coming from foreign schools which have received accreditation from their host countries. Please note that the California Board of Registered Nurses does not coordinate recognition status with the Commission on Graduates of Foreign Nursing Schools, because as stated above the Board has its own specific team of evaluators.

The Dental Board of California has only recognized one foreign dental program located in Mexico (there is one in India that is currently applying for recognition). The Dental Board granted prospective accreditation for students who matriculated on or after the approval date. No retroactive recognition was given for students who studied at the school prior to the accreditation date.

Underlying Data: None

Business Impact

This regulation will not have a significant adverse economic impact on California businesses

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory amendment.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Granting full retroactive recognition allows students to obtain education during the years which the program may have been substandard. It rewards graduates who attended the school knowing that the school was unrecognized. This also encourages unrecognized and perhaps substandard schools to recruit Californians with the false hopes that their program will receive full retroactive recognition in the future, which may harm their students by precluding them from being able to obtain California licensure.

Limited retroactive recognition creates problems when deciding an appropriate approval date, since there is often only limited evidence demonstrating a program's past educational quality. Additionally, a site visit can only evaluate a program's current educational quality and cannot provide a basis upon which the Division can make decisions regarding its past compliance with California's standards.